PETITION FOR CONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law

for Business Local purposes as it had been zoned for more than 25 yes. 3 prior to recent revision of county zoning maps (RECLASSIFICATION ONLY)

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by The Baltimore County Code. I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

County.		Ì
Contract Purchaser:	Legal Owner(s):	
	J. HOMER WEIDEMEYER, OWNER	& AGENT
(Type or Print Name)	(Type or Print Name)	denne 1
Signature	Signature	
Address	(Type or Print Name)	
City and State	Signature	
Attorney for Petitioner:		
(Type or Print Name)	7602 WINDSOR MILL ROAD Address	655-0127 Phone No.
Signature	RANDALLSTOWN, MD. 21207. City and State	
Address	Name, address and phone number of tract purchaser or representative to	be contracted a
City and State	Name Ealle	9 20
Attorney's Telephone No.:	Address	OPrigne Her Co
BABC-Form 1	ı	177

RE: PETITION FOR RECLASSIFICATION NE/S Windsor Mill Rd., 150' NW of Richwood Rd., 2nd District

: BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

J. HOMER WEIDEMEYER, Petitioner : Case No. R-82-181-Item 2, Cycle !!

::::::

ORDER TO ENTER APPEARANCE

To the Honorable, Members of Said Board:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman Deputy People's Counsel

John W. Hessian, III People's Counsel for Baltimore County Rm. 223, Court House Towson, Maryland 21204

I HEREBY CERTIFY that on this 24th day of February 1982, a copy of the foregoing Order was mailed to Mr. J. Homer Weidemeyer, 7602 Windsor Mill Road, Randallstown, Maryland 21207, Petitioner.

APPLICATION FOR RECLASSIFICATION OF ZONE

The Petitioner represents that the current zoning of the property as planned and established under the provisions of section 22-21 of the Baltimore County Code, 1978, as amended in the 1980 Comprehensive Zoning 'Map of Baltimore County, adopted Farch 20, 1980 is in error.

IMPORTANT EVALUATIVE FACTORS

- 1. Prop .ty owned by same family of taxpayers for 70 years.
- 2. Property previously zoned "BL" for more than 25 years.
- 3. Commercial identity of property cemented by construction of furniture store on corner of property many years ago.
- 4. County moratorium prevented further commercial development.
- 5. Unsightly side view of furniture store discourages and has discouraged any residential development in same block; rendering property useless now and in the future.
- 6. Downgrading of Zone from BL to DR 5.5 has reduced appraised value of land from \$250,000.00 to \$37,500.00.
- 7. Rapidly increasing Traffic Count . . . continuous commercialization on the west to Rolling Road . . . several blockhiatal commercialization to the east . . . near at hand Industrial Park invalidate DR5.5 Zone.
- 8. Petitioner has ownership in both affected properties.
- For the sake of clarification the Petitioner has appended the following

illustrations: ILLUSTRATION NO. 1

This Illustration shows current disposition and ownership of affected properties.

ILLUSTRATION NO. 2

This Illustration represents that Property (a) and Property (c) were previously Zoned "BL" and further illustrates other factors in Petitioners

Application hereinafter proposed. ILLUSTRATION NO. 3

This Illustration provides drawing and description required by County.

APPLICATION FOR RECLASSIFICATION OF ZONE

PAGE 2

Petitioner rays for relief from the error and damage involved in the 1980 zoning change and refers your Body to a consideration of the suggestions incorporated into ILLUSTRATION NO. 2. In addition to Reclassification of Property (a) and Property (c) to its previous zoning of BL, it provides for the transfer of a fifty foot wide easement which is legended as Property (e) to the County. The purpose of this transfer is twofold . . . first, to satisfy a need which the County has made manifest for the extension of a connector road between Windsor Mill Road and Castlemoor Road and . . . second to provide an aesthetic barrier between subject property's commercial utility and neighboring residential values.

Finally, the Petitioner points to the continuing change occurring near subject property . . . intensified commercial development . . . intensified industrialization . . . on WindsorMill Road and in the Security Industrial Park . . . only one block away; all downgrading residential utilization now and in the future.

This Petition dated at Towson, Maryland, 21204, this 27th day of August in the year _ 1.

Homer Weidemeyer, Owner & Agent

Page Two

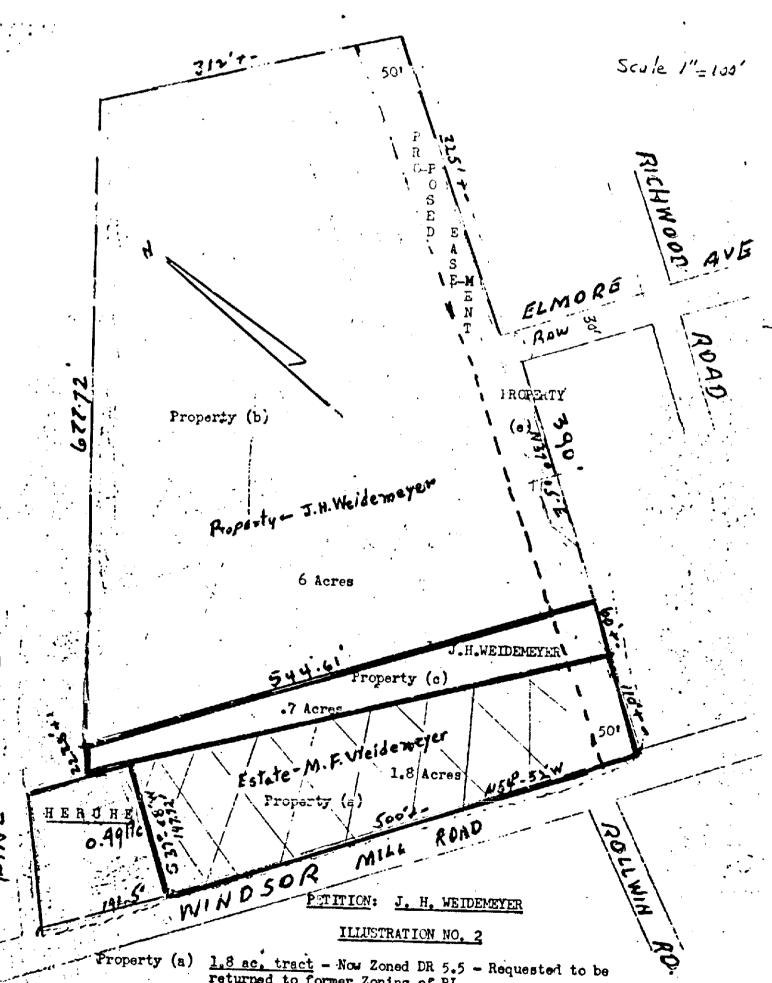
Since there must be some limit to the period of time within which a decision should be made and communicated to the Board, it has been decided that all requests for postponements made pursuant hereto must be delivered in writing to the Board on or before March 15, 1981.

The Board has attached one very important provision to its willingness to co-operate in the granting of postponements for the purpose outlined above, which is that it will not countenance the use of the reasons given above for a postponement for other reasons and, therefore, if a case is postponed for the reason given above it must remain inactive until there is a definitive action from the courts. Therefore, parties are cautioned that if they do, in fact, seek a postponement because of the doubt surrounding the validity of the enactment of the 1980 comprehensive maps, they will be required to wait until there is a decision from the courts on the question before the Board will again assign their case no matter how long the case is suspended.

The purpose of this communication is to alert all parties of record involved of the Board's intention if a request is timely submitted.

Very truly yours,

WTH:e



returned to former Zoning of BL Property (c) 0.7 ac. tract - Now Zoned DR 5.5 - Requested to be returned to former Zoning of BL Property (b) 6.0 ac. tract - Now Zoned DR 5.5 - Requested to retain current Zoning of DR 5.5 Property (e) 50' Easement - To be ceded to County to effect partition between BL Zoning and neighboring property - .

Castlemoor Ave. when needed.

And to serve as future connector roadway extension to

Scale 1"=100' Property (b)

CURRENT DISPOSITION OF PROPERTY

Property (a) - 1.8 ac. tract - Estate of M.F.W. Weidemeyer - Zoned DR.5.5 Formerly Zoned BL - Tax #02-23-153120 and #02-18-350171 Parcels 131,132,133.

Property (b) - 6.7 acre trect - J. Homer Weidemeyer - Zoned DR 5.5 Formerly Zoned BL (in part) - Tax #02-23-153130 - 151 incl. Parcel 361 - "Greenfield Subdivision.

Preperty (d) Hershe's Furniture Store - 0.49 ac. tract. Formerly part of

PROPOSED DISPOSITION AND DESCRIPTION OF PROPERTY

SCALE 1" = 200'

2 5,44 Property (b) FLMORE AVENUE N56-44E \$54" - 53E 54461 N 47° 29W. Property (a) NISTOSE. WINDSOR MILL ROAD

PETITION: J. H. WEIDEMEYER

ILLUSTRATION NO. 3

DESCRIPTION - Beginning for the same in the centre of Windsor Mill Road in the last line of a tract of land described in a Deed from James B. Heisse to M. F. W. Weidemeyer and Annie Weidemeyer, his wife, dated June 23, 1911 and recorded among the Land Records of Baltimore County, State of Maryland in Liber WPC 379 Folio 412 and proceeding northeasterly to a stone marker and running thence north 54 degrees 53 minutewest binding on the north side of Windsor Mill Road 500 feet to another stone marker and running at right angles parallel to the last line aforementioned northerly 37 degrees 8 minutes east 147.72 feet more or less thence northerly 47 degrees 29 minutes west 44.61 Bet to an iron pipe, thereafter proceeding northerly along the northwestern boundary line of the Subdivision "Greenfield" as recorded among the Land Records of said County in Plat Book WPC No. 8 Folio % northerly 56 degrees 44 minutes east 22,28 feet to a stone marker, thence running through mid Subdivision on a course parallel to Windsor Mill Road southerly 54 degrees 53 minutes east 544.61 feet to another stone marker and thereafter southerly 37 degrees 8 minutes west 170.10 feet to the place of beginning. Containing 2.5 acres more or less; all at a distance of 150 feet west of the centre of Richwood Road. DISPOSITION - Property (a) 2.5 ac. tract to be returned to "BL" Zoning.

Composed of original 1.8 acres plus added .7 acre from property of J.H.Weidemeyer.

Property (b) 6.0 ac. tract to remain Zoned DR 5.5

BEFORE

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

No. R-82-181

OPINION

This case comes before the Board by a petition for a reclassification of a 1.97 acre parcel of land from D.R. 5.5 to a B.L. classification. This parcel is located on the northeast side of Windsor Mill Rd., 150 ft. northwest of Richwood Ave., in the 2nd Election District of Baltimore County.

Testimony before the Board indicated that the property has been owned by the same family for 70 years and was zoned B.L. in 1951. Several residents and a Real Estate Appraiser testified in support of the petition citing primarily the existing commercialization of the area and the area's need for even more commercial zoning.

Mr. James Hoswell of the Baltimore County Office of Planning and Zoning explained to the Board that the property had been an issue on the Comprehensive Maps in 1976 and again on the 1980 maps. He indicated that the 1976 issue before the County Council involved 6.7 acres and was in fact a "downshift" nitiated by the Planning Staff in an effort to rid the area of "strip zoning". In 1980, the issue was raised by the Petitioner, the property owner, asking for B.L. zoning for 8.7 acres. The County Council again retained the D.R. 5.5 zoning.

Several neighbors from the immediate area were in opposition to the B. L. zoning and cited problems that the residents experienced from the commercial establishments that now exist in the area. They felt the parcel should be developed residentially and that further commercial zoning would create a "domino effect".

After carefully reviewing and considering the testimony, it is the judgment of the Board that no error exists in the present zoning of the subject site. This property was an issue in the Comprehensive Maps in 1976 and 1980.

J. Homer Weidemeyer Case No. R-82-181

0

The Board can find no evidence nor testimony presented in this case that was not available to the County Council at the time it last considered this property as part of the Comprehensive Map process. There are several economic uses to which the property may be put which would be consistent with the surrounding area. The County Council considered this parcel twice in the normal course of its work on the entire 2nd District Map, and in its wisdom, saw fit to downshift this strip zone in 1976 and reaffirmed this decision in 1980.

The Petitioner must prove error if this reclassification is to be granted, and after careful consideration, the Board cannot find error by the County Council. Therefore, the Petition should be denied and will so order.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 13th day of May, 1982, by the County Board of Appeals, ORDERED that the petition requesting the rezoning of this site from D.R. 5.5 to B.L. BE DENIED and the D.R. 5.5 zoning

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

160 MMicenen

Patricia Phipps

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 30, 1981

COUNTY OFFICE BLDG. 111 W. Chesapea e Ave. Towson, Maryland 21204

Nichelas B. Commodari

Chairman

Burcau of

Eureau of

Laustrial

Health Department Project Planning Building Department Board of Education losing Administration 7602 Windsor Mill Road Baltimore, Maryland 21207

RE: Item No. 2 - Cycle No. II Petitioner - J. Homer Weidemeyer Reclassification Petition

Dear Mr. Weidemeyer:

Mr. J. Homer Weidemeyer

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October 1981 - April 1982 reclassification cycle (Cycle II). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoring regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgement as to their accuracy and submit the necessary amendments to this office before November 30. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

Because of your proposal to rezone this currently vacant wooded site, located on the north side of Windsor Mill Road between Pine Avenue and Richwood Road, from a D.R.5.5 zone to a B.L. zone, this hearing is required. It should be noted that prior to the adoption of the zoning maps in 1976, the majority of this site was zoned B.L. However, since that year, the D.R.5.5 zoning has been existing. Dwellings exist to the coat and on the gouth side of Windson Will Road, while communication the cast and on the south side of Windsor Mill Road, while commercial land abuts this site to the west.

A comparison of the description and submitted plan with "illustration #'s 2 and 3", which were filed with this petition, indicates a descrepancy in the acreage to be rezoned. I suggest that you and/or your surveyor contact me and clarify this matter.

In view of the fact that the submitted site plan does not indicate a proposed development of the subject property, the enclosed comments from the Committee are general in nature. If the requested reclassification is granted, more detailed comments from County agencies and/or this Committee will be submitted when a proposed development is shown.

Item No. 2 - Cycle No. II Petitioner - J. Homer Weidemeyer Reclassification Petition

If you have any questions concerning the enclosed comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between March 1 and June 30, 1982, will be forwarded to you in the future.

Very truly yours,

NICHOLAS B. COMMODARI

Zoning Plans Advisory Committee

NEC: bsc

Enclosures

cc: Gerhold, Cross & Etzel 412 Delaware Avenue Towson, Maryland 21204

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WOR
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E. DIRECTOR

Septembe: 25, 1981

Mr. William T. Hackett, Chairman Board of Appeals Court House Towson, Maryland 21204

> Re: Item #2 Cycle Zoning II (Oct. 1981-Apr. 1982) Property Owner: J. Homer Weidemeyer N/ES Windsor Mill Rd. 150' N/W of Richwood Ave. Existing Zoning: DR 5.5 Proposed Zoning: B-L Acres: 1.97 District: 2nd

Dear Mr. Hackett:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Adviscry Committee in connection with the subject item.

General:

This property includes a postion of the recorded subdivision "Greenfield", recorded W.P.C. 8, Folio 96.

Subdivision and resubdivision of property within Baltimore County is subject to Baltimore County Subdivision Pegulations.

Highways:

Windsor Mill Road, an existing public road, is proposed to be improved in the future as a 40-foot closed section roadway on a 60-foot right-of-way.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards and Specifications.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Titem #2 Cycle Zoning II (Oct. 1981-Apr. 1982) Property Owner: J. Homer Weidemeyer Page 2 September 25, 1981

Storm Drains: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

There is a 12-inch public water main and 8-inch public sanitary sewerage in Windsor Mill Road. There is also 8-inch public sanitary sewerage within a 10-foot utility easement along the westerly outline of this tract.

The Petitioner is cautioned that no encroachment by construction of any structure, including footings, is permitted within Baltimore County rights-of-way and utility easements. During the course of construction on this property, the Contractor must afford protection for the public sewerage within the aforesaid utility easement. Any damage sustained would be the full responsibility of the Petitioner.

This property is tributary to the Gwynns Falls Sanitary Sewerage System, subject to State Health Department Regulations and Allocations.

Very truly yours,

Bureau of Public Services

RAM: EAM: FWR: SS

cc: Jack Wimbley

L-NE Key Sheet 16 NW 27 & 28 Pos. Sheets NW 4 G Topo 87 Tax Map



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING TOWSON MARYLAND 21204

NORMAN E. GERBER DIRECTOR

October 29, 1981

Mr. William Hackett - Chairman Board of Appeals Room 219 - Court House Towson, Maryland 21204

Dear Mr. Hackett:

Comments on Item 12, Zoning Cycle II — 1981, are as follows:

Property Owner: J. Homer Weidemeyer Location: NE/S Windsor Mill Road 150' N/W of Richwood Avenue Acres: 1.97 District: 2nd

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are mude aware of plans or problems with regard to development plans that may have a bearing on this petition.

The subject property is located in the Gwynns Falls Sewer Area and in a Traffic Level of Service Area controlled by a "D" intersection.

Any subdivision of the property will require compliance with Title 22 of the Baltimore County

Very truly yours,

John ZW: bly Planner III

Current Planning and Development

JLW:rh



STEPHEN E. COLLINS

October 8, 1981

Mr. William Hackett Chairman, Board of Appeals Office of Law, Courthouse Towson, Maryland 21204

> Cycle II - Meeting of September 14, 1981 Item No. - 2 Property Owner: J. Homer Weidemeyer Location: NE/S Windsor Mill Road 150' N/W of Richwood Avenue Existing Zoning: D.R. 5.5 Proposed Zoning: B-L Acres: 1.97 District: 2nd.

Dear Mr. Hackett:

This site with the existing D.R. 5.5 zoning can be expected to generate approximately 120 trips a day and the proposed "-L zoning can be expected to generate approximately 980 trips per day. The intersection of Rolling Road and Windsor Mill Road is at level of service D.

Traffic Engineering Associate IT

MSF/rlj

BALTIMORE COUNTY
DEPARTMENT OF HEALTH TOWSON, MARYLAND 21204 DONALD J. ROOP, M.D., M.P.H. DEPUTY STATE & COUNTY HEALTH OFFICER

SECRETARIOS SECRET

September 30, 1981

Mr. .alter Reiter, Chairman Board of Appeals Court House Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Item #2, Zoning Advisory Committee Meeting for Cycle II, are as follows:

> Property Owner: J. Homer Weidemeyer Location: NE/S Windsor Mill Road 150' N/W of Richwood Avenue Existing Zoning: D.R. 5.5 Proposed Zoning: B-L Acres: 1.97 District: 2nd

Metropolitan water and sewer are available. Connection to metropolitan sewer is subject to the Gwynns Falls Sewer moratorium.

The Zoning Plan, as submitted, does not include enough information to enable the Baltimore County Department of Health to make complete comments.

IJF/JRP/mgt

Ian J. Forrest, Director BUREAU OF ENVIRONMENTAL SERVICES

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: September 22, 1981

Mr. Walter Reiter Chairman, Board of Appeals Baltimore County Office Building 1111 West Chesapeake Avenue Towson, Maryland 21204

Zoning Cycle #11 - 1981

Meeting of 9/14/81

RE: Item No: 2 Property Owner: J. Homer Weidemeyer Location: NE/S Windsor Mill Rd. 150' N/W of Richwood Avenue Present Zoning: D.R. 5.5 Proposed Zoning: B-L

Acreage: 1.97 School Situation

Schoo1

Over/Under Capacity

Comments: Would not result in an increase in student population and would not have an adverse effect on th- educational system.

Student Yield With:

Proposed Zoning

Elementary

Junior High

Senior High

w. Unch feliench-Vm. Nick Petrovich, Assistant Department of Planning

WNP/bp

494-3180

County Board of Appeals Room 219, Court House Towson, Maryland 21204 February 25, 1982

J. Homer Weidemeyer 7602 Windsor Mill Road Randallstown, Md. 21207

> Re: Item #2 - Case #R-82-181 Cycle II, J. Homer Weidemeyer

Dear Mr. Weidemeyer:

Your case has been assigned for hearing before the Board during the normal cycle period for reclassification petitions. Written and public notice of the date of the hearing has either been given or is in the process of publication.

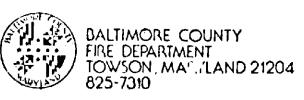
The Board has been informed that there are presently pending in the Circuit Court for Baltimore County three separate suits, all of which directly question the validity of the adoption of the 1980 comprehensive zoning map by the County Council of Baltimore County. The suits to which we refer are:

Home Builders Assn. of Md., Inc., et al. v. Baltimore County, Md., et al - Circuit Court Equity #107047

Isoac A. Jones v. Baltimore County, Md., et al -Circuit Court Equity #108029

Shopco Reisterstown Associates, et al v. Baltimore County, Md., et al - Circuit Court Equity #107318.

The Board, of course, is not involved in those suits and consequently will not be asked to express any opinion on the enactment question. However, we are concerned that the parties to the pending reclassification cases be made aware that there will probably be a judicial decision on the question sometime in the future, and if the Circuit Court should find that the maps were, in fact, improperly enacted, and that decision is affirmed by an appellate court, the various parties to reclassification cases might then be placed in the position of having expended time and money in the preparation and trial of their cases based on the comprehensive map which regally might not exist. The Board has, therefore, determined that it will afford each of the petitioners in the pending reclassification cases the opportunity to review the pending Circuit Court cases and make their individual determination as to whether they wish to proceed at this time to fully try their reclassification case or whether they would prefer not to take that risk and ask the Board for a continuance of their case without hearing until such time as there has been a definitive ruling by the courts on the question of the validity of the 1980 maps.



PAUL H REINCKE CHIEF

October 9, 1981

cc: William Hackett Mr. William Hammond **Toning Commissioner** Chairman of Board of Appeals Office of Planning and Zoning Baltimore County Office Building Tows in, Maryland 21204

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: J. Homer Weidemeyer

Location: NE/S Windsor Mill Road 150' N/W of Richwood Avenue

Item No.: 2

Zoning Agenda: Meeting of September 14, 1981

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle and end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments // at this time

Fire Prevention Bureau Planning Group Special Inspection Division

JK /mb/cm

494-3180

County Board of Appeals Room 219, Court House Towson, Maryland 21204 February 25, 1982

J. Homer Weidemeyer 7602 Windsor Mill Road Randallstown, Md. 21207

> Re: Item #2 - Case #R-82-181 Cycle II, J. Homer Weidemeyer

Dear Mr. Weidemeyer:

It has been brought to our attention that we afforded the Petitioners in Cycle I reclassification cases the opportunity explained in the enclosed letter.

Since this option was selected by very few Petitioners in Cycle I, we are hopeful that this does not affect your case. however, you wish to elect this option, the Board will grant it but because of advertising and notification problems it will have to be done in open hearing.

Please advise this office of your decision.

Very truly yours,

FROM Charles E. Burnham
Cycle II - 1981 Item #2 Zoning Advisory Committee Meeting - 9-14-81

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Property Owner: J. Homer Weidemeyer NE/S Windsor Mill Road 150' N/W of Richwood Avenue Location:

Existing Zoning: D.R. 5.5 Proposed Zoning: B-L

Acres: District:

William Hackett-Chairman

Board of Appeals

Nick Commodari

All future improvements shall be in compliance with the Baltimore County Building Code, the Handicapped Code of the State of Maryland and other applicable rules, regulations and codes.

No construction shall begin until the applicable permits have been

Plans Review, Chief

September 22, 1981

CEB:rrj

Mr. J. Homer Weidemeyer

February 1, 1982

NOTICE OF HEARING

Petition for Reclassification NE/s Windsor Mill Rd., 150' NW of Richwood Road Case #R-82-81

10:00 A. M.

7602 Windsor Mill Road

Randallstown, Maryland 21207

DATE: Thursday, March 4, 1982

PLACE: Room 218, Courthouse, Towson, Maryland

cc: John Hessian Peoples Counsel County Board of Appeals

(·

Towson, Maryland 21204 May 13, 1982

Mr. J. Homer Weidemeyer 7602 Windsor Mill Rd. Randalistown, Md. 21207

Dear Mr. Weidemeyer:

Re: Case No. R-82-181 J. Homer Weidemeyer

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled

Very truly yours,

e Holmen, Jecretary

cc: W. E. Hammond J. E. Dyer N. E. Gerber J. G. Hoswell Board of Education J. Hessian, Esq.

TITION FOR RE-CLASSIFICATION

2nd DISTRICT

ZONING:

LOCATION:

Petition for Re-classification

Northeast side of Windsor Mill Road, 150 ft. Northwest of

Richwood Road

DATE : TIME:

FUBLIC HEARING:

Thursday, March 4, 1982, at 10:00 A. M.

Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:

> Present Zoning: D.R.5.5 Proposed Zoning: B.L.

All that parcel of land in the Second District of Baltimore County

Being the property of J. Homer Weidemeyer, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, March 4, 1982, at 10:00 A. M. Public Hearing: Room 218, Courthouse, Towson, Maryland

> BY ORDER OF WILLIAM T. HACKETT, CILAIRMAN COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CARL L. GERHOLD PHILIF K. CROSS WILLIAM G. ULRICH

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors 412 DELAWARE AVENUE TOWSON, MARYLAND 21204

EMERITUS PAUL G. DOLLENBERG

823-4470

August 31, 1981

Zoning Description

All that piece or parcel of land situate, lying and being in the Second Election District of Baltimore County, State of maryland and described as follows to wit:

Beginning for the same at a point on the northeast side of Windsor Mill Road, distant North 54 degrees 53 minutes West 150 feet measured along the northeast side of Windsor Mill Road from the northwest side of Mindsor Mill Road, North 54 degrees 53 minutes West 500 feet, thence leaving said Windsor Mill Road and binding on the property lines of the potitioners herein, the three East 147.72 feet, forth 50 degrees 37 minutes West 44.61 feet and North 53 degrees 33 minutes Mast 20.08 feet, thence South 54 on the property lines of the petitioners herein, North 54 on the property lines of the petitioners herein, Touth 57 degrees on the property lines of the petitioners herein, louth 37 degrees of minutes west 170.10 feet to the place of be inning.

Containing 1.97 Acres of land more or less.

Reing the property of the Petitioners berein as shown on a plat filed with the poning department.



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204

March 5, 1982

WILLIAM E. HAMMOND ZONING COMMISSIONER

Mr. J. Homer Weidemeyer 7602 Windsor Mill Road Baltimore, Maryland 21207

> Petition for reclassification NE/s of Windsor Mill Road, 150' NW of Richwood Road Case #R-82-181

Dear Mr. Weidemeyer:

This is to advise that \$52.75 __is due for the 2nd full page add of the cycle 2 billing. You have already been billed for the 1st full page add as well as for the individual posting and advertising of this property. All bills must be paid before an order is issued. This is your final bill.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland, 21204, as

> William E. Hammond Zoning Commissioner

WEH:klr

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494 3353

WILLIAM E. HAMMOND ZONING COMMISSIONER

J. Homer Weidemeyer 7602 Windsor Mill Road Randalistown, Maryland 21207

> Petition for Reclassification NE/s of Windsor Mill Rd., 150' NW of Richwood Rd. Case #R-82-181

Dear Mr. Weidemeyer:

This is to advise you that \$63.70 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Zoning Commissioner

WEH:klr

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204 494-3353

January 18, 1982

CHOMMAH 3 MAILIN ZONING COMMISSIONER

Mr. J. Homer Weidemeyer 7602 Windsor Mill Road Baltimore, Maryland 21207

Petition for Re-classification NE/s Windsor Mill Rd., 150' NW of Richwood Ave. J. Homer Weidemeyer - Petitioner Cycle #2 - Item #2

Dear Mr. Weidemeyer:

This is to advise you that \$96.89 is due for the first advertising of the above property. Two additional bills will be forwarded to you in the near future. All bills must be paid before an order is issued.

Please make check payable to Beltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Zoning Commissioner

WEH:mch

CARL L. GERHOLD PRILIP K. CROSS

JOHN F, ETZEL

WILLIAM G. ULRICH

GORDON T, LANGDON

GERHOLD, CROSS & ETZEL Registered Projessio all Land Surveyors 412 DELAWARE AVENUE TOWSON, MARYLAND 21204 823-4470

PAUL G. DOLLENBERG

FRED H. DOLLENBERG

December 1, 1991

and, the figure

Re: Itam No. 2 Cycle Mo. II Petitioner - J. Homer Weigemeyer

er. Richolas -. Yonmodani, Chairman

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Dear Mr. Commodari:

This is to state that the plats labeled as Illustration No. 1, Illustration No. 2 and Illustration No. 3 attached to the petition are for the purpose of clarification of the reasons for requesting the reclassification of the property.

The metes and bounds description and plat prepared by Perhold, Cross and utzel describes the area scat is requested to be rezoned.

The area to be rezoned is 1.97 Acres as shown on said plat.

If you have any questions about this matter please call.

Very truly yours,

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William Hackett-Chairman Board of Appeals September 22, 1981 Nick Commodari

FROM Charles E. Burnham
Cycle II - 1981

Item #2 Zoning Advisory Committee Meeting - 9-14-81

Property Owner: J. Homer Weidemeyer NE/S Windsor Mill Road 150 N/W of Richwood Avenue Existing Zoning: D.R. 5.5 Proposed Zoning: B-L

Acres: District:

All future improvements shall be in compliance with the Baltimore County Building Code, the Handicapped Code of the State of Maryland and other applicable riles, regulations and codes.

No construction shall begin until the applicable permits have been

Charles E. Burnham
Plans Review, Chief

CEB:rrj

Fir. Walter Reiter, Chairman Board of Appeals Court House

District: 2nd

Dear Hr. Reiter:

LJF/JLP/mgt

Towson, Haryland 21204

Comments on Item #2, Zoning Advisory Committee Meering for Cycle II, are as follows:

Property Owner: J. Homer Weidemeyer
Location: HE/S Windsor Mill Road 150' N/W of Richwood Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: B-L
Acres: 1.97

betropolitan water and sever are available. Connection to metropolitan sever is subject to the Cwynns Falls Sewer moratorium.

The Zoning Plan, as submitted, does not include enough information to enable the Baltimore County Department of Health to make complete comments.

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187 J. Fortest, Director BUREAU OF ENVIRONMENTAL SERVICES, ELI RE

Liberty Road Community Council, Inc.
7407 Dorman Drive Baltimore, Miryland 21208 484-9387
March 3, 1982

Dear Mr. Hackett,

At the February 23 Liberty Road Community Council borad of Directors meeting, the Board voted to continue its opposition to the reclassification of the property in case #R82-181. Our opposition to a change from D.R.5.5 to BL was previously presented in the Comprehensive Zoning Process in 1976 and again in 1980.

Signed

Josephine D. Fisher, 3/3/82-President, L.R.C.C. 3/3/82-

Thomas H. Black 3/5/82 Secretary, L.R.C.C.

Working Together For Community Progress

J. Homer Weideniger Case # R-82-81 (eycle 2+ Stem 2)

PETITION

WE, THE UNDERSIGNED, citizens, businessmen and residents with interests in the Hebbville neighborhood, Baltimore County, Maryland do support the "Petition For Reclassification - N.E. Side Windsor Mill Road, 150° N.W. of Richwood Road - Case No. R 82-81 (Cycle 2 and Item 2)" presented by J. Homer Weidemeyer, et al to the Baltimore County Hoard of Zoning Appeals as follows:

a += = +=

- I. It was an error for the Planning Commission to down zone the front portion of said property from a commercial zoning to a residential zoning since it had already been dedicated to commercial utility when a furnture, store had been built upon it.
- 2. It was an error for the Planning Commission to down zone the front portion of mid property from a commercial zoning to a residential zoning since it is undesirable for residential development because of the presence of the furniture store in the same block, the increasingly high count of traffic al. Windsor Mill Road and the changing mode now apparent in the area.
- 3. It was an error for the Planning Commission to down zone the front portion of said property from a commercial zoning to a residential zoning because of the long tenure the property maintained its commercial identity; the owner being prevented from commercially improving the property during this tenure because of various moratoriums stopping such improvement.

 4. It is completely apparent that the Planning Commission did not take into consideration the great change clearly apparent along Windsor Mill Road induced by the industrialization of Rutherford Air Field, now one block away from said property negating residential desirability.

J. Homer Weidemeyer Case # R-82-81 (Cycle 2 + Stem 2)

J. Homer Weideneyer Case # R-82-81 (Cycle 24 lan 25

NOW THEREFOR, WITNESSETH our signatures as of the date below written;

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g. Homer Weidemeyer Case # R-82-81	(Eyele 2+ Stew 2)
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NOW THEREFOR, WITNESSETH our signatures as of the date below written;

- 2 -

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APPLICATION FOR RECLASSIFICATION OF ZONE

The Petitioner represents that the current zoning of the property as planned and established under the provisions of section 22-21 of the Baltimore County Code, 1978, as amended in the 1980 Comprehensive Zoning Map of Baltimore County, adopted March 20, 1980 is in error.

IMPORTANT EVALUATIVE FACTORS

- 1. Property owned by same family of taxpayers for 70 years.
- 2. Property previously zoned "BL" for more than 25 years.
- 3. Commercial identity of property cemented by construction of furniture store on corner of property many years ago.
- 4. County moratorium prevented further commercial development.
- 5. Unsightly side view of furniture store discourages and has discouraged any residential development in same block; rendering property useless now and in the future.
- 6. Downgrading of Zone from BL to DR 5.5 has reduced appraised value of land from \$250,000.00 to \$37,500.00.
- 7. Rapidly increasing Traffic Count . . . continuous commercialization on the west to Rolling Road . . . several block matal commercialization to the east . . . near at hand Industrial Park invalida. DR5.5 Zone.
- 8. Petitioner has ownership in both affected properties.

For the sake of clarification the Petitioner has appended the following illustrations:

ILLUSTRATION NO. 1

This Illustration shows current disposition and ownership of affected properties.

ILLUSTRATION NO. 2

This Illustration represents that Property (a) and Property (c) were previously Zoned "BL" and further illustrates other factors in Petitioners Application hereinafter proposed.

ILLUSTRATION NO. 3

item #2

This Illustration provides drawing and description required by County.

APPLICATION FOR RECLASSIFICATION OF ZONE

PAGE 2

Petitioner prays for relief from the error and damage involved in the 1980 zoning change and refers your Body to a consideration of the suggestions incorporated into ILLUSTRATION NO. 2. In addition to Reclassification of Property (a) and Property (c) to its previous zoning of BL, it provides for the transfer of a fifty foot wide easement which is legended as Property (e) to the County. The purpose of this transfer is twofold . . . first, to satisfy a need which the County has made manifest for the extension of a connector road between Windsor Mill Road and Castlemoor Road and . . . second to provide an sesthetic barrier between subject property's commercial utility and neighboring residential values.

Finally, the Petitioner points to the continuing change occurring near subject property . . . intensified commercial development . . . intensified industrialization . . . on WindsorMill Road and in the Security Industrial Park . . . only one block away; all downgrading residential utilization now and in the future.

This Petition dated at Towson, Maryland, 21204, this 27th day of August in the year 1981.

Homes Medenion J. Homer Weidemeyer, Owner & Agent/

item #2

- LEGAL 0 PETITION FOR RE CLASSIFICATION 2nd DISTRICT CERTIFICATE OF PUBLICATION ZONING: Petition for Re-classification A 3667 Fikesville, Md., Feb. 10 1982 TO CERTIFY, that the annexed advertisment The County Board of Appeals for Baltimore plished in the NORTHWEST STAR, a weekly Present Zoning: D.R.5.5 Proposed Zoning: B.L. All that parcel of land in the Second District er published in Pikesville, Baltimore will that piece or parcel of land situate, lying Maryland before the and being in the Second Election District of Battimo & County, State of **sr/land and descripted as follows to wit: t publication appearing on the Be inning for the same at a point on the northeast side of Windsor Mill Road, distant North 56 degrees 53 minutes West 150 feet measured along the northeast side of Windsor Mill Road from the northwest side of Richwood Avenue, thence tunning and binding on the north-sest side of Windsor Mill Road, North 54 degrees 53 minutes West 500 feet, then se leaving said windsor Mill Road and binding on the property lines of the petitioners herein, the three following courses and distances viz: North 37 degrees 08 minutes East 147.72 km² North 50 degrees 37 minutes West 44.61 feet all North 53 degrees 33 minutes East 20.06 it. 1, thench South 54 degrees 53 minutes East 538.78 feet and nd publication appearing on the i publication appearing on the 33 minutes East 20 to 1, ", thench South 34 degrees 53 minutes East 538.76 feet and thence running and binding on the property lines of the petitioners herein, South 37 degrees 05 minutes West 170.10 feet to the THE NORTHWES. STAF Containing 1.97 Acres of land more or less. Boing the property of J. Homer Weldemeye Hearing Date: Thursday, March 4, 1982, a: 10:00 A.M. \$39.20

Cost of Advertisement_

PETITION FOR BE-CLASSIFICATION 2x4 DISTRICT ZONING: Petition for Re-classification
LOCATION: Northeast side of Windsor Mill Road, 150 ft. Northwest of Richwood Road
DATE & "IME: Thursday, March 4, 1982, at 10:00 A M.
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing: Present Zoning: D.R.5.5

Proposed Zoning: B.L.

All that parcel of land in the Second District of Baltimore County All that plees or parcel of land situate. lying and being in the Second Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the tame at a point on the northeast side of Windsor Mill Road, distant North 54 degrees 53 minutes West 150 feet measured along the northeast side of Windsor Mill Road from the northwest side of Richwood Avenue, thence running and binding on the northeast side of Windsor Mill Road, North 54 degrees 53 minutes West 500 feet, thence leaving said Windsor Metals west 500 feet, thence leaving said Windsor Mill Road, North 54 degrees 53 minutes West 500 feet, thense leaving said Windsor Mill Road and binding on the property lines of the petitioners herein, the three following courses and distances viz: North 37 degrees 08 minutes East 147.72 feet, North 50 degrees 37 minutes West 44.61 feet and North 53 degrees °8 minutes East 20.08 feet, them South 54 degrees 53 minutes East 538.78 feet and thence running and binding on the property lines of the petitioners herein, South 37 degrees 156 minutes West 170.10 feet to the place of beginning. b6 minutes West 170.10 feet to the place of beginning.
Containing 1.97 Acres of land more or less.
Being the property of the Petitioners herein as shown on a plat filed with the Zoning Department.
Being the property of J. Homer Weidemeyer, as shown on plat plan filed with the Zoning Department.
Hearing Date: Thursday, March 4, 1962, at 10:00 A.M.
Public Hearing: Room 213, Courthouse, Towson, Maryland
By Order Of WILLJAM T. HACKETT,
Chairman Chairman
County Board of Appeals
of Baltimore County
Feb. 11.

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 11 , 19 82 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., more increase one time mycocome before the __25th____ day of _____, March____, 19.82__, the first publication appearing on the __llth_____ day of _____February___ 19 82

THE JEFFERSONIAN, American Smith

Cost of Advertisement, \$_____

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Date of Posting 2-14-82 Petitioner: L. Homer Waidemun

Location of property: NE/S Winder Mill Read, 150'NW

Of Richwood Read

Location of Signs: Meth side of Winder Mill Need

Append. 350' West of Richwood Read 12. art

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BY ORDER OF

WILLIAM T. HACKETT, CHAIRMAN COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

